

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

TELEXFREE,LLC,
TELEXFREE, INC.,
TELEXFREE FINANCIAL, INC.,

Debtors.

Chapter 11 Cases

14-40987-MSH

14-40988-MSH

14-40989-MSH

Jointly Administered

STEPHEN DARR, CHAPTER 11
TRUSTEE OF THE ESTATES OF EACH
OF THE DEBTORS,

Plaintiff,

v.

CARLOS WANZELER, JAMES MERRILL,
CARLOS COSTA, PRISCILA FREITAS
COSTA, FABIO WANZELER, LYVIA
MARA CAMPISTA WANZELER, MARIA
EDUARDA WANZELER DE ALMEIDA
E SOUZA, DRUCILA WANZELER,
MARISA MACHADO WANZELER
SALGADO, RENATO ALVES, ANA
COSTA, NATHANA SANTOS REIS,
FABIO FARIA, LELIO CELSO RAMIRES
FARIAS, SANDERLY RODRIGUES,
VAGNER ROZA, ROBERT
BOURGUIGNON, REGINA CELIA,
MICHAEL CALAZANS, FABIO DE
ARRAZ CRISPIM, SHEFFA MONTOYA,
LUIS FERREIRA, SANDRES LEVIS, FEBE
WANZELER DE ALMEIDA E SOUZA,
BRUNO RANGEL CARDOZO,

Defendants.

Adv. Proceeding No.: 16-04032

DEFENDANT FABIO FARIA'S MOTION TO DISMISS

Defendant Fabio Faria respectfully requests that this Court dismiss the claims against him pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable to this proceeding by Bankruptcy Rule 7012(b). Dismissal is appropriate because the Complaint fails to state a claim for which relief may be granted. As further grounds, the Defendant incorporates by reference the Memorandum of Law submitted herewith.

Respectfully submitted,
FABIO FARIA

By his counsel,

Dated: May 16, 2016

/s/ Ilyas J. Rona
Ilyas J. Rona, Esq. (BBO# 642964)
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CERTIFICATE OF SERVICE

I, Ilyas J. Rona, hereby certify that I have caused a copy of the Defendant Fabio Faria's Motion to Dismiss to be served on counsel for the Trustee and all registered electronic filers appearing in this case using the Court's CM/ECF system.

Dated: May 16, 2016

/s/ Ilyas J. Rona
Ilyas J. Rona, Esq.